

GIS REGISTRY INFORMATION

SITE NAME:	DAIRY QUEEN		
BRRTS #:	03-36-267908	FID # (if appropriate):	
COMMERCE # (if appropriate):	54220-2239-08		
CLOSURE DATE:	04/16/2004		
STREET ADDRESS:	808 MEMORIAL DRIVE		
CITY:	MANITOWOC		
SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection):	X=	709061	Y= 407214
CONTAMINATED MEDIA:	Groundwater	<input type="checkbox"/>	Soil <input checked="" type="checkbox"/> Both <input type="checkbox"/>
OFF-SOURCE GW CONTAMINATION >ES:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
IF YES, STREET ADDRESS 1:			
GPS COORDINATES (meters in WTM91 projection):	X=		Y=
OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
IF YES, STREET ADDRESS 1:			
GPS COORDINATES (meters in WTM91 projection):	X=		Y=
CONTAMINATION IN RIGHT OF WAY:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
DOCUMENTS NEEDED:			
Closure Letter, and any conditional closure letter issued	X		
Copy of most recent deed, including legal description, for all affected properties: CONDITIONALLY CLOSED PRIOR TO GIS	NA		
Certified survey map or relevant portion of the recorded plat map (if referenced in the legal description) for all affected properties	NA		
County Parcel ID number, if used for county, for all affected properties	X		
Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.	X		
Detailed Site Map(s) for all affected properties , showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.	X		
Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)	NA		
Tables of Latest Soil Analytical Results (no shading or cross-hatching)	X		
Isoconcentration map(s), if required for site investigation (SI) (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. If not available, include the latest extent of contaminant plume map.	NA		
GW: Table of water level elevations, with sampling dates, and free product noted if present	NA		
GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)	NA		
SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour	X		
Geologic cross-sections, if required for SI. (8.5x14" if paper copy)	NA		
RP certified statement that legal descriptions are complete and accurate	X		
Copies of off-source notification letters (if applicable)	NA		
Letter informing ROW owner of residual contamination (if applicable) (public, highway or railroad ROW)	NA		
Copy of (soil or land use) deed restriction(s) or deed notice if any required as a condition of closure	X		



commerce.wi.gov

ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
2129 Jackson Street
Oshkosh, Wisconsin 54901-1805
TDD #: (608) 264-8777
Fax #: (920) 424-0217
Jim Doyle, Governor
Cory L. Nettles, Secretary

April 16, 2004

Mr. Gary Fechner
Fechner Enterprises
808 Memorial Drive
Manitowoc, WI 54220

RE: Final Closure

Commerce # 54220-2239-08 WDNR BRRTS # 03-36-267908
Dairy Queen, 808 Memorial Drive, Manitowoc

Dear Mr. Fechner:

The Wisconsin Department of Commerce (Commerce) has received all items required as conditions for closure of the site referenced above. This case is now listed as "closed" on the Commerce database and will be included on the Wisconsin Department of Natural Resources (WDNR) Geographic Information System (GIS) Registry of Closed Remediation Sites to address residual soil contamination. It is in your best interest to keep all documentation related to the environmental activities that were conducted.

If residual contamination is encountered in the future, it must be managed in accordance with all applicable state and federal regulations. If it is determined that any remaining contamination poses a threat, the case may be reopened and further investigation or remediation may be required.

Thank you for your efforts to bring this case to closure. If you have any questions, please contact me in writing at the letterhead address or by telephone at (920) 424-0046.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Klauk". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert H. Klauk
Hydrogeologist
Site Review Section

cc: Case File



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
2129 Jackson Street
Oshkosh, Wisconsin 54901-1805
Fax #: (920) 424-0217
TDD #: (608) 264-8777
<http://www.commerce.state.wi.us>
<http://www.wisconsin.gov>
Scott McCallum, Governor
Phillip Edw. Albert, Acting Secretary

October³, 2001

Mr. Gary Fetchner
Fetchner Enterprises
808 Memorial Drive
Manitowoc, WI 54220

RE: Conditional Closure

Commerce #54220-2239-08 WDNR BRRTS #03-36-267908
Dairy Queen, 808 Memorial Drive, Manitowoc

Two 10,000-gallon leaded gasoline USTs
One 1,000-gallon fuel oil UST
One 4,000-leaded gasoline UST
One 500-gallon waste oil UST

Dear Mr. Fetchner:

The closure request for Dairy Queen, 808 Memorial Drive, Manitowoc has been reviewed by Wisconsin Department of Commerce (department) Bureau of PECFA Site Review Section staff. Using the standards established in the Wisconsin Administrative Code NR 700 series, the department has determined the site has been investigated and remediated to a level protective of the environment and human health. The Department considers this site to meet environmental standards and **no further action** is necessary. The department is granting a waiver for the PAL exceedence for 1,2-dichloroethane detected in monitoring well MW-11 and piezometer MW-11A. In making this determination, the following documents prepared by GHD, Inc., as well as correspondence in the case file, were reviewed:

- *Site Investigation Report*, June 2001
- *Additional Information for Case Closure*, July 2001
- *Closure Request Update*, September 2001

The presence of residual soil contamination necessitates that the owner sign and record a soil notification for the property.

The following documentation is necessary to satisfy conditions for closure:

1. A notification must be placed on the property deed addressing residual soil impacts. For case closure, please submit a copy of the deed notification that contains the County Register of Deeds' recording information. Enclosed is an example of a "Notice of Contamination to Property" for your use. If you wish to modify the language, submit a copy to this office for approval before filing.
2. Documentation (WDNR Abandonment Form 3300-5B) of abandonment of groundwater monitoring wells MW-7 through MW-11 and piezometer MW-11A.

Mr. Gary Fechner

Commerce #54220-2239-08 WDNR BRRTS #03-36-267908

Dairy Queen

October 3, 2001

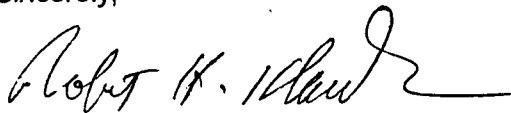
Page 2

IMPORTANT: Before this case can be officially listed as "closed" on the Wisconsin Departments of Commerce/Natural Resources computer data base, you or your consultant must submit the requested information.

If, in the future, site conditions indicate that the contamination that remains poses a threat, the need for further remediation would be determined and required if necessary. If subsequent information indicates a need to reopen this case, any original claim under the PECFA fund would also reopen and you may apply for assistance to the extent of remaining eligibility.

Thank you for your efforts to protect the environment. If you have questions, you may contact me at (920) 424-0046.

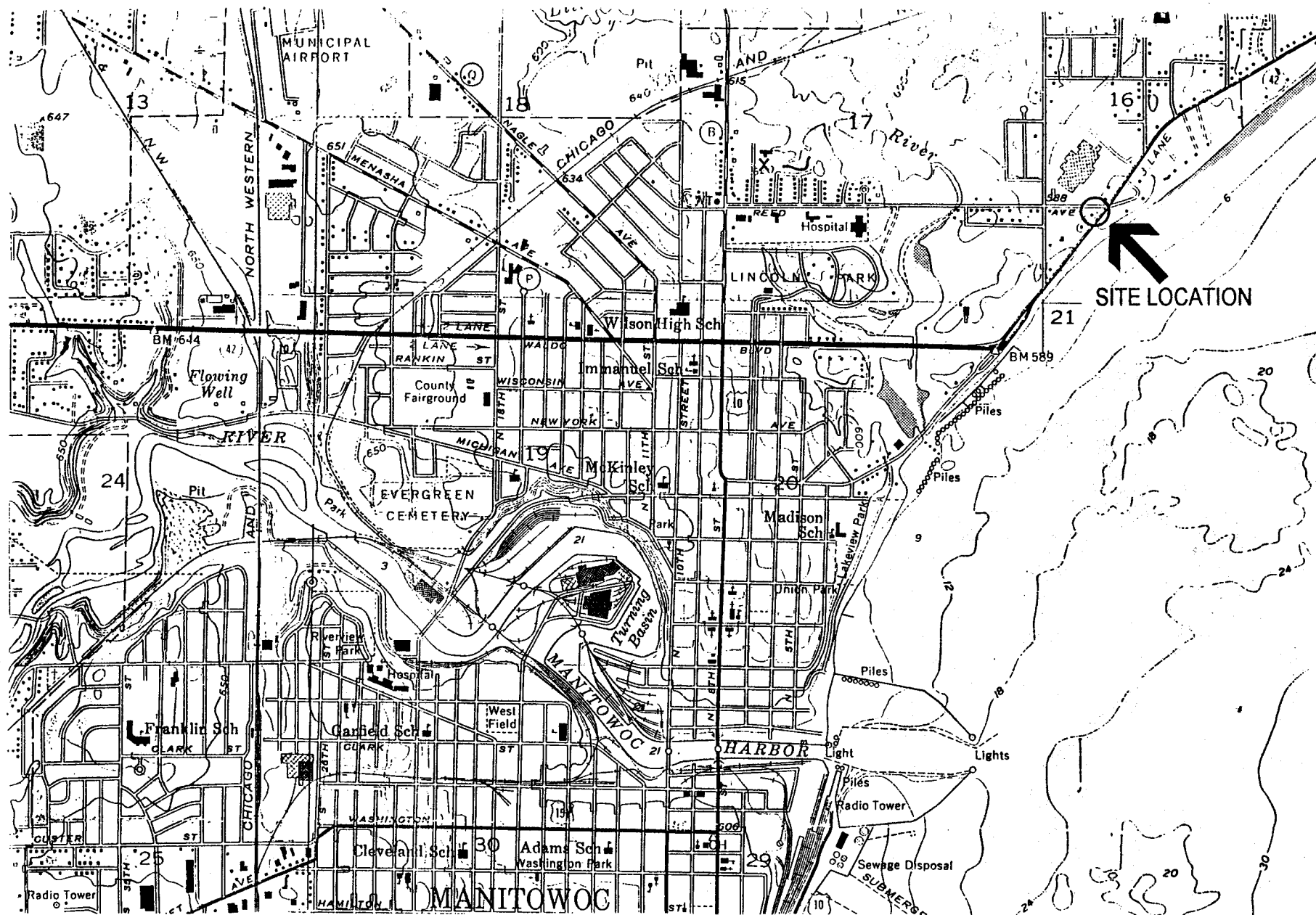
Sincerely,



Robert H. Klauk, P.G.
Hydrogeologist
Site Review Section

Enclosure

cc: Ryan L. Johnson - GHD, Inc.
Case File



GHD Inc. Environmental Services
 DAIRY QUEEN
 808 MEMORIAL DRIVE
 MANITOWOC, WISCONSIN 54220

FIGURE 1
 SITE LOCATION MAP

Prepared By: T. OTT

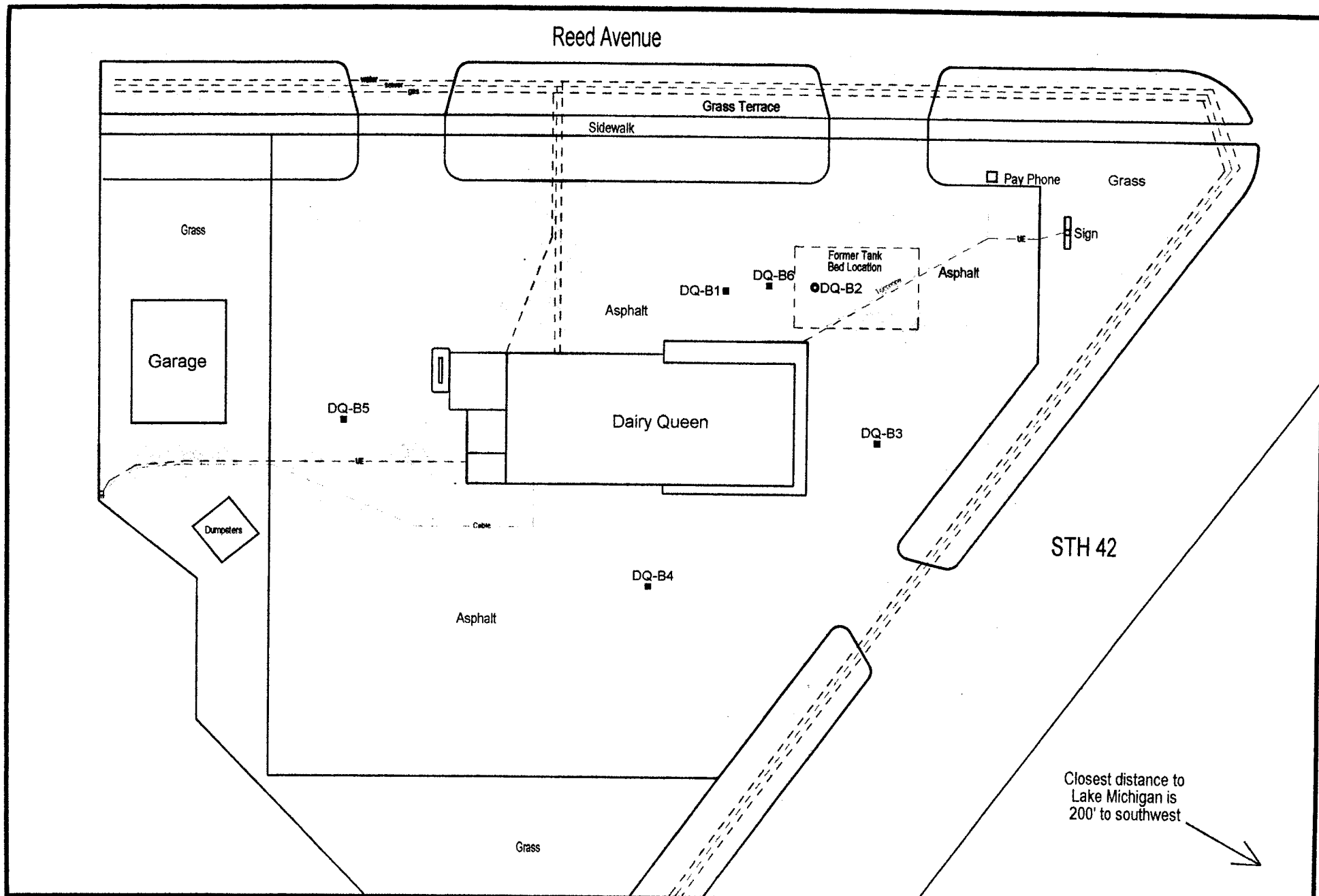
Legend:

Note: Map taken from the Manitowoc, Wisconsin
 7.5 Minute USGS Topographic Map-1954

Date: 02/28/01

Scale: 1" = 2000'





GHD Inc. Environmental Services
DAIRY QUEEN
808 MEMORIAL DRIVE
MANITOWOC, WISCONSIN 54220

FIGURE 2
SITE LAYOUT & EXISTING
GEOPROBE BORINGS
MAP

Prepared By: T. OTT

Legend:

- GEOPROBE BORING / TEMPORARY WELL
- GEOPROBE BORING
- - - UNDERGROUND UTILITY

Date: 02/28/01

Scale: 1" = 30'



Table 5 (Page 1 of 1)
Soil Analytical Results
Dairy Queen
Manitowoc, Wisconsin
SIR - 2001

Parameter	NR 720 RCL	DQ-B1 @ 8-10'	DQ-B2 @ 8-10'	DQ-B3 @ 6-8'	DQ-B4 @ 4-6'	DQ-B4 @ 8-10'	DQ-B5 @ 8-10'	DQ-B6 @ 12.-14'	DQ-MW7 @ 10-12'	DQ-MW8 @ 7.5-9.5'	DQ-MW9 @ 7.5-9.5'	DQ-MW10 @ 7.5-9.5'
DRO (mg/Kg)	100 (250)	4.7	<5.6	<4.0	170	9.2	<4.3	4.3	<1.7	<1.7	<1.7	<1.7
GRO (mg/Kg)	100 (250)	3.6		<3.2		<3.2		<3.1	2.4	<0.50	<0.50	<0.50
TOC	none										16000	
Benzene	5.5	<25	<25	<25	<25	<25	<25	<25	<11	<11	<11	<11
Ethylbenzene	2900	<25	<25	<25	<25	<25	<25	<25	<16	<16	<16	<16
Toluene	1500	<25	<25	<25	<25	<25	<25	<25	<14	<14	<14	<14
Total TMBs	None	<50	<50	<50	<50	<50	<50	<50	<37	<37	<37	<37
Total Xylenes	4100	<100	<100	<100	<100	109	<100	<100	<54	<54	<54	<54
MTBE	None	<25	<25	<25	<25	<25	<25	<25	<17	<17	<17	<17
p-Isopropyltoluene	None	<25	<25	<25	40	<25	<25	<25				
Total PVOCs	None	<250	<250	<250	<250	<259	<250	<250	<149	<149	<149	<149
Total VOCs	None	<275	<275	<275	<290	<284	<275	<275	<149	<149	<149	<149

Notes: All concentrations are reported in parts per billion (ppb) unless otherwise noted
ppm stands for parts per million
TMB stands for trimethylbenzenes
MTBE stands for methyl tert-butyl ether
PVOCs stands for petroleum volatile organic compounds
VOCs stands for volatile organic compounds
RCL stands for residual contaminant level
TOC stands for total organic carbon

904131



VOL 1645 PG 101

Document Number

NOTICE OF CONTAMINATION TO
PROPERTY

Legal Description of the Property: In re: 808 Memorial Drive
Manitowoc, WI 54220

LEGAL DESCRIPTION ON ATTACHED SCHEDULE 'A'

RECEIPT# 4303

\$15.00 MISC

STATE OF WISCONSIN
MANITOWOC COUNTY
PRESTON JONES
REGISTER OF DEEDS
RECEIVED FOR RECORD

1 MAY 2002 3:11:01 PM

Name and Return Address

Gary Fechner
808 Memorial Drive
Manitowoc, WI 54220

15ck

STATE OF WISCONSIN)
) ss
COUNTY OF MANITOWOC)

52-520-035-010
Parcel Identification Number (PIN)

Section 1. Fechner Enterprises is the owner of the above-described property.
Incorporated

Section 2. One or more petroleum discharges have occurred at this property. Diesel range organics exceeding Wisconsin Administrative Code chapter NR 720 residual contaminant levels exist on this property.

Section 3. The owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and/or restrictions:

Residual petroleum contaminated soil remains on this site. If contaminated soil is excavated in the future, it may be considered a solid waste and will need to be disposed in accordance with all applicable laws.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Commerce, or its successor, issue a determination that the restrictions set forth in this covenant are no longer required. That property owner shall provide any and all necessary information to the Department in order for the Department to be able to make a determination. Upon receipt of such a request, the Department shall determine whether or not the restrictions contained herein can be extinguished. Conditions under which a restriction may be extinguished will be determined in accordance with the site specific standards, rules and laws for this property. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this restriction, or portions of this restriction are no longer binding. Any restriction placed upon this property shall not be extinguished without the Department's written determination.

IN WITNESS WHEREOF, the owner of the property has executed this document, this 30th day of April, 2002.

By signing this document, [he/~~she~~] acknowledges that [he/~~she~~] is duly authorized to sign this document on behalf of Fechner Enterprises Incorporated

Signature: Gary J. Fechner

Printed Name: Gary J. Fechner

Title: President

Subscribed and sworn to before me
this 30th day of April, 2002

Mary A. Boeckman

Notary Public, State of Wisconsin

My commission 10/23/05
Mary A. Boeckman

This document drafted by: Winter, Fox & Stangel, LLP
Attorney John W. Stangel



41545 102 2

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SCHEDULE 'A'

A parcel of land being part of Lots Numbered Thirty-one (31), Thirty-two (32) and Thirty-five (35) of Oehler and Guenther's Subdivision in the City of Manitowoc, according to the Recorded Plat of said Subdivision, described as follows:

Commencing at a point which is the intersection of the Westerly line of Memorial Drive extended Northerly, and the South line of Reed Avenue extended Easterly, in the City of Manitowoc, Wisconsin; thence S. $89^{\circ} 52' 8''$ W. 54.71 feet to the true point of beginning; thence S. $52^{\circ} 01' 52''$ E. 42.54 feet to a point on the Westerly edge of Memorial Drive; thence S. $37^{\circ} 4' 45''$ W. along said Westerly edge of Memorial Drive a distance of 56.99 feet; thence S. $37^{\circ} 38' 51''$ W. along the Westerly edge of Memorial Drive a distance of 212.20 feet; thence N. $52^{\circ} 24' 9''$ W. a distance of 150 feet; thence N. $37^{\circ} 38' 35''$ E. a distance of 75.49 feet; thence N. $89^{\circ} 38' 7''$ W. a distance of 34.93 feet; thence N. $0^{\circ} 01' 08''$ E. a distance of 87.45 feet to the South edge of Reed Avenue; thence N. $89^{\circ} 52' 8''$ E. along the South edge of Reed Avenue a distance of 238.11 feet to the place of real beginning.

**STATE OF WISCONSIN
COUNTY OF MANITOWOC**

RECEIVED

APR 16 2004

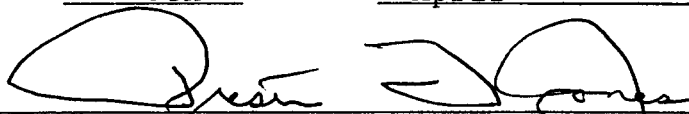
**ERS DIVISION
OSHKOSH**

I, PRESTON F JONES, REGISTER OF DEEDS OF THE COUNTY OF MANITOWOC
IN THE STATE OF WISCONSIN, DO HEREBY CERTIFY THAT I HAVE CAREFULLY
COMPARED THE FOREGOING COPY OF NOTICE OF CONTAMINATION TO PROPERTY

FECHNER ENTERPRISES INC. TO PUBLIC

RECORDED IN VOLUME 1645 OF RECORDS ON PAGE 101 WITH THE
ORIGINAL ON RECORD IN THIS OFFICE AND THAT THE SAME IS A TRUE AND
CORRECT COPY OF THE SAME AND EVERY WORD THEREOF.

WITNESS MY HAND AND OFFICIAL SEAL AT MANITOWOC, WI
THIS 6th DAY OF April A.D. 2004.



REGISTER OF DEEDS FOR MANITOWOC COUNTY, WI